

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIANE RENEE HOLBROOK,

Defendant.

4:14-CR-3060

ORDER

The defendant was sentenced on November 18, 2014 to a term of 130 months' imprisonment, to be served concurrently with a Nebraska state court sentence in the custody of the State of Nebraska. [Filing 71](#). On May 10, 2016 she filed her first motion to withdraw detainer, asserting that a federal detainer in place while serving her sentence would keep her from participating in the state work release program. [Filing 90](#). The government was asked to respond to the motion, and received the following assurance from the Nebraska Department of Corrections:

No action would be needed at this time. Ms. Holbrook will be in York for at least 5 or 6 more years before she would be considered for community custody/work release. At that time, if there is still a Federal detainer in place that would interfere with work release (which there will be unless she only gets placed in community custody a few months prior to release), the Nebraska Department of Correctional Services would contact federal authorities to see if there is any objection to work release.

[Filing 92 at 1](#). Based on that representation, the Court denied the defendant's motion. [Filing 93](#).

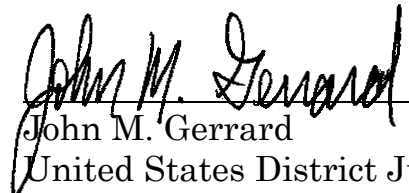
The defendant filed another motion to withdraw the detainer on January 16, 2019. [Filing 94](#). The Court denied that motion—noting, however, that the Court had no objection to the defendant being allowed to participate in Nebraska's work release program. [Filing 95](#). The defendant filed another motion to withdraw the detainer on May 18, 2021. [Filing 96](#). The Court again denied that motion, again noting the Court's approval of the defendant being permitted to participate in work release. [Filing 97](#).

Before the Court now is the defendant's fourth motion to withdraw detainer. [Filing 98](#). She represents that the warden of her institution indicated that the federal detainer was an impediment to work release. [Filing 98 at 2](#). That seems contrary to the representation made to the Court in 2016—but, the Court lacks current information about the State's policy in this matter, as well as the Government's position on the defendant's motion. Accordingly,

IT IS ORDERED that the Government shall respond to the defendant's motion ([filing 98](#)) on or before November 10, 2022.

Dated this 20th day of October, 2022.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge